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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,350

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Philippe Poder

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EXAMINER

KEE, FANNIE C

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,350	<b>Applicant(s)</b> PODER, PHILIPPE	
	<b>Examiner</b> Fannie Kee	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13, 16-18, 20 and 28 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 19 and 21-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 22 is objected to because of the following informalities: replace the words “the possess” with --possesses--.

Correction is required.

Claim 28 is objected to because of the following informalities: Applicant is advised that should claim 10 be found allowable, claim 28 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13, 23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 13 recites the limitation "the second duct" in line 4. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, Examiner is interpreting that Applicant means to say "the duct" as claimed in claim 10.

Claim 23 recites the limitation "the rim" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Does Applicant mean for claim 23 to depend from claim 21 or claim 22? For purposes of examination, Examiner is interpreting that Applicants means for claim 23 to depend from claim 21.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10-13, 16-18, 20 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by McElroy et al U.S. Patent No. 5,228,729.

With regard to claim 10, and as shown in Figures 1, 9 and 10, McElroy et al disclose a quick coupling device, comprising:

a tubular body (22) having a connection section arranged to receive in a leaktight manner one end of a duct;

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a retaining member (34) mounted on the body and possessing tabs (36) that are elastically deformable between a first state of gripping an outer bead (56) on the end of the duct, and a second state of releasing the bead,

wherein the retaining member is mounted on the body to turn around a central axis of the body between a free deformation position in which the tabs can deform between the first and second states, and at least one holding position in which the tabs cooperate with a surface (28) that is secured to the body and that holds the tabs in one of the first and second states.

With regard to claim 11, and as shown in Figures 1, 9 and 10, McElroy et al disclose wherein, in the holding position, each tab (36) is in its gripping states and is received at least in part in a housing of the body having a surface that opposes deformation of the tab towards its release state.

With regard to claim 12, and as shown in Figures 1, 9 and 10, McElroy et al disclose wherein, in the holding position, each tab (36) cooperates with a ramp (between 22 and 28) of the body lifting the tab so as to bring it into its release state.

With regard to claim 13, and as shown in Figures 1, 9 and 10, McElroy et al disclose wherein, in the free deformation position, the retaining member (34) is arranged to be capable of being driven axially by the second duct towards a locking position in which each tab in its gripping state is received at least in part in a housing of the body having a surface that opposes deformation of the tab towards its release state.

With regard to claim 16, and as shown in Figures 1, 9 and 10, McElroy et al disclose the body having a radial abutment surface (top of ramp between 22 and 28) for cooperating with a front radial surface at the free end of each tab when the tabs are subjected to a traction force.

With regard to claim 17, and as shown in Figures 1, 9 and 10, McElroy et al disclose indexing means (72) for indexing the retaining member relative to the body at least for the free deformation position of the retaining member.

With regard to claim 18, and as shown in Figures 1, 9 and 10, McElroy et al disclose the indexing means comprising at least one flexible blade (72) extending axially from the retaining member or the body to cooperate with a stud projecting radially from the body or from the retaining member.

With regard to claim 20, and as shown in Figures 1, 9 and 10, McElroy et al disclose the connection section having a cylindrical housing of a diameter slightly greater than an outside diameter of the end of the duct.

With regard to claim 28, and as shown in Figures 1, 9 and 10, McElroy et al disclose a quick coupling device, comprising:

a duct (14);

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a tubular body (22) having a connection section arranged to receive in a leaktight manner one end of the duct; and

a retaining member (34) mounted on the body and possessing tabs (36) that are elastically deformable between a first state of gripping an outer bead (56) on the end of the duct, and a second state of releasing the bead,

wherein the retaining member is mounted on the body to turn around a central axis of the body between a free deformation position in which the tabs can deform between the first and second states, and at least one holding position in which the tabs cooperate with a surface (28) that is secured to the body and that holds the tabs in one of the first and second states.

***Allowable Subject Matter***

6. Claims 14, 15, 19, and 21-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regard to claim 14, the prior art of record does not teach or suggest the retaining member possessing two holding positions that are angularly offset relative to each other with each tab cooperating with a ramp of the body lifting the tab so as to bring it into its release state in the holding position in combination with the quick coupling device of claims 10 and 11.

Claim 15 depends from claim 14 and would therefore be found allowable should claim 14 be found allowable.

With regard to claim 19, the prior art of record does not teach or suggest the device further including a link section remote from the connection section wherein the link section has an end face having an axially extending collar in combination with the quick coupling device of claim 10.

With regard to claim 21, the prior art of record does not teach or suggest the device further including a link section remote from the connection section wherein the connection section is surmounted by a rim that extends beyond the connection section away from the link section in combination with the quick coupling device of claim 10.

Claims 22-27 depends from claim 21 and would therefore be found allowable should claim 21 be found allowable.

### ***Response to Arguments***

7. Applicant's arguments filed 5/18/09 have been fully considered but they are not persuasive.

a. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the retaining members are not pivotable in a holding position) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,



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limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

/F. K./  
Examiner, Art Unit 3679  
August 16, 2009